IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.723 of 2007

Chandrakant Dalal — Applicant
Vs.
State of Maharashtra & ors. — Respondents

Mr.R.Sathyanarayanan for applicant.
Ms.Anita Agrawal i/b. Mohan Tekavde for Resp.nos.1 and 2.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 18, 2007.

P.C.

. Heard Mr.Sathyanarayanan, the learned counsel for the applicant, Mrs.Agrawal, the learned counsel appears for the respondent nos.1 and 2 and the learned APP appears for the State.

. This is an application filed under Section 483 of Cr.P.C. praying for directions for expeditious trial of Criminal Case No.130/PW/2005 presently pending before the learned Metropolitan Magistrate, 45th Court at Kurla. Mr.Sathyanarayanan, the learned counsel for the applicant referred to the order passed by the learned Metropolitan Magistrate for expediting trial, looking at the age of the applicant.

. Mrs.Agrawal, the learned counsel for the respondent nos.1 and 2, on the other hand, submitted that the applicant is the first informant and the warrant case pending before the learned Metropolitan Magistrate i.e. C.C. No. 130/PW/2005 is at the instance of the State and the role of the applicant is only as a witness in support of the FIR he has filed. Mrs.Agrawal, therefore, questioned the locus of the applicant to file such application and seek directions when it is in fact the learned Assistant Public Prosecutor who is in charge of the case pending before the learned Metropolitan Magistrate.

. It appears that the charge-sheet has been filed on 28th February 2005. The accused no.1 has been exempted from appearance as per the order dated 1/8/2006. The case was posted on 16/5/2006 for framing of charge but on 20/6/2006 accused no.2 also was exempted from appearance and thereafter the case is getting adjourned. On 18/7/2006 the accused as well as their Advocate were absent before the trial Court. It appears that the accused had approached this Court in Criminal Writ Petition No.1818 of 2006 which was dismissed on 15/11/2006. It is also stated that the accused have filed an application for

discharge and the same is pending.

. Though the applicant may not have a status in law to come and seek directions from this Court and that the learned APP is in charge of the case before the trial Court, the fact remains that the trial Court itself has passed and order of expeditious trial of CC No.130/PW?2005 and, therefore, it would be appropriate that the pending applications are disposed off at the earliest possible and the trial is commenced after framing the charge in case the discharge applications are otherwise decided against the accused.

. Save and except the above observations, no further directions are required to be given. The application is disposed off accordingly.

(B.H.MARL